

UNIVERSAL DESIGN COMMITTEE
Division of the State Architect Advisory Board

Final Minutes of Public Meeting
September 28, 2004

California Community Colleges Building
1102 Q Street, 3rd Floor Conference Room
Sacramento, California

Committee Members Present

John Paul Scott, Chair
Pete Guisasola
Chris Lawrence
Ron Mincer
Mike Modugno
Bob Nicol
Pete Peterson
Richard Skaff
Amor Taylor

DSA Staff Present

Mary Ann Aguayo
Richard Conrad
Susan Georgis
Linda Huber
Michael Mankin
Aaron Noble
Louise Redeen
Terry Salo
Derek M. Shaw

Committee Members Absent

Gale Bate
Peter Margen
Sharon Toji

Others Present

Dale Baron, Softfall, Inc.
Glenn Gall, OSHPD
Donn Harter, California Glass Assn.
Martin Montessoro, City of San Diego

Call to Order and Introductions

Committee Chair John Paul Scott called the meeting to order at 9:30 a.m. on September 28, 2004, and welcomed everyone.

Mr. Scott confirmed the presence of a quorum. He asked committee members to identify themselves before speaking and to put all significant motions in writing. He noted each agenda item will begin with comments from committee members, and then there will be an opportunity for public input.

Meeting participants took turns introducing themselves.

Mr. Scott welcomed Ms. Susan Georgis to the DSA Advisory Board staff.

Mr. Scott reviewed the proposed agenda. He estimated the meeting would last until 2:00 p.m., with a lunch break sometime before 1:00 p.m. He noted the next Universal Design Committee meeting will probably be held in January 2005, sometime before the next DSA Advisory Board meeting, and the plan would be to have task forces meet the preceding day.

Review Previous Meeting Minutes - May 26 and June 14-15, 2004

Mr. Scott drew attention to the minutes of the last committee meetings..

1 **Mr. Pete Peterson made a motion, seconded by Mr. Ron Mincer, to approve the**
2 **minutes of the May 26, 2004 meeting.**
3

4 Mr. Scott said he had one correction to the May 26 minutes. In the fourth paragraph on
5 Page 10, he clarified that it was he, not Mr. Julnes, who made the remark about OMB
6 releasing the final rule in July. He added that the final rule was actually released in July
7 and was posted on the Web site.
8

9 Mr. Scott asked the staff to correct the minutes and redistribute them to committee
10 members.
11

12 Mr. Scott recommended making some corrections to Page 13, in the section pertaining
13 to Mr. Mustacato's presentation. In the third paragraph from the bottom, second line, he
14 suggested inserting the words "separately from solid-surface accessible ramps and
15 level surfaces" after the word "installed."
16

17 In the first line in the next paragraph, Mr. Scott proposed deleting the word "for" and
18 substituting "separately from." In the third sentence in that paragraph, he
19 recommended inserting "solid rubber" and putting "wear mats" in brackets.
20

21 Mr. Scott drew attention to Page 15, the third sentence in the first paragraph of the
22 remarks from Mary Elton. He suggested adding "wear mats" in brackets after "kick
23 plates."
24

25 In the next-to-last paragraph on Page 15, Mr. Scott suggested rewording the first
26 sentence to say, "Mr. Scott clarified that the committee does not ban nor endorse any
27 materials."
28

29 **The motion to approve the May 26, 2004 meeting notes as amended was carried**
30 **unanimously.**
31

32 Mr. Scott drew attention to the minutes of the June 14-15, 2004 meeting.
33

34 **Mr. Peterson made a motion, seconded by Mr. Mincer, to approve the minutes.**
35

36 Mr. Richard Skaff drew attention to Page 10, third-from-bottom paragraph, and he
37 questioned the procedural interpretation and conclusion that the remaining committee
38 members could vote after Mr. Guisasola's departure. Mr. Scott said he understood that
39 as long as a meeting opened with a quorum, the remaining members could continue
40 doing business even if others leave. Mr. Skaff read an excerpt from Robert's Rules of
41 Order indicating the remaining committee members could only act to set the next
42 meeting date.
43

44 Mr. Scott pointed out there were at least six committee members present after Mr.
45 Guisasola left, so a quorum was present for Motions 12 through 51.
46

47 Mr. Scott directed the committee's attention to the follow-up items on Page 32, Item 6,
48 and he asked about the status of Motions 12 and 42 in particular. He noted Mr. Skaff
49 had indicated previously that the 4.16 percent gradient was not permitted under
50 ADAAG.
51

52 Referring to Item 5, Mr. Skaff stated he had not yet received the May 26 meeting tapes.

1
2 Mr. Scott asked the staff to check and report back on these items.

3
4 **The motion was carried unanimously.**

5
6 Mr. Aaron Noble commented drew attention to the discussion under Motion 39,
7 regarding detectable warnings, on Page 28. He said he recalled Mr. Lozano
8 recommended maintaining the same size, pattern, and spacing of 1.66 inches, without a
9 tolerance range, as is currently in the California Building Code, and he proposed
10 clarifying the minutes accordingly. Mr. Noble clarified that the actual size and spacing
11 was not changed, but the way of measuring was.

12
13 Mr. Noble said he thought motion was brought back and approved by the committee on
14 June 15, and the range was eliminated at that time.

15
16 Mr. Scott suggested tabling this item for further verification of the committee's last
17 actions. He asked the staff to check and report back.

18
19 **DSA Update**

20 **Updates/Discussion Items**

21 **New Committee Member**

22 Mr. Noble said the staff was in the process of reviewing applications from people from
23 organizations representing the blind community who had applied to join the committee.
24 Mr. Scott expressed his hope that a new member will be in place by the next meeting.

25
26 Mr. Noel Nudeck asked what kind of outreach DSA had done to publicize the vacancy to
27 the blind community. Mr. Scott responded that the staff sent information to about ten
28 organizations, but only three organizations responded.

29
30 Mr. Noble said DSA is rethinking its overall policy regarding the UDC and its members,
31 and he suggested discussing this topic at the next meeting.

32
33 **Caltrans Request**

34 Mr. Noble reported that DSA received a written request from Caltrans to the
35 accessibility guidelines for trail design for outdoor developed areas.

36
37 Mr. Skaff noted the guidelines have some controversial provisions, so it might be
38 prudent to solicit more input from the disability community. He suggested establishing a
39 task force to review the technical information and come back with a recommendation.

40
41 **Mr. Skaff made a motion to agendize this matter for further review. The motion**
42 **died for lack of a second.**

43
44 Mr. Scott noted the U.S. Access Board has no final guidelines regarding outdoor trails,
45 and there were serious reservations discussed regarding potential economic impacts.
46 He expressed his opinion that Caltrans should not be using those guidelines.

47
48 **Mr. Scott made a motion that the UDC Committee recommend that Caltrans not**
49 **use the accessibility guidelines. The motion was seconded by Mr. Skaff.**
50

1 Mr. Skaff clarified that the “guidelines” are actually from a draft produced by the U.S.
2 Department of Transportation, which were never adopted in a final form. He noted
3 those “guidelines” have not yet gone through a proper public vetting process.

4
5 Mr. Noble said the Federal Highway Administration contacted Caltrans and
6 recommended use of the trail standards as a best practices document.

7
8 Mr. Skaff suggested it would be inappropriate for Caltrans to adopt the guidelines at this
9 time.

10
11 **The motion was carried unanimously.**

12
13 Mr. Skaff requested an opportunity for DSA and Caltrans to review the final curb ramp
14 standards. Mr. Scott suggested bringing this up under “New Business” later.

15
16 2004 and 2005 Code Adoption Cycle

17 Mr. Noble reported that the 2004 code adoption package was submitted to the Building
18 Standards Commission in early August, and DSA is awaiting approval from the
19 Department of Finance and Department of General Services. He said the Building
20 Standards Commission will be holding an accessibility hearing, probably in January,
21 which will begin the public participation process.

22
23 Mr. Noble noted the deadline for submitting proposed changes for the 2005 code
24 adoption cycle is next July, and the staff will be working on revisions during the spring.
25 However, if the 2005 cycle does not occur as planned, the changes will be continued to
26 the following year.

27
28 2006 Code Adoption Cycle

29 Mr. Noble said he was unable to talk about the 2006 cycle at this point.

30
31 DOJ Title 24 Certification Review Update

32 Mr. Noble reported that the U.S. Department of Justice recently indicated the comment
33 package had been completed and would be sent out the following week. He noted
34 review process has been underway since before the 2001 California Building Code went
35 into effect.

36
37 **UDC Updates**

38 **Task Groups**

39 Play Area Surfaces

40 Mr. Peterson reported that the play area task group met on September 27. He said the
41 task group plans to draft policy recommendations for the committee and DSA Advisory
42 Board’s consideration regarding accessibility standards for play area surfaces. The
43 group looked at existing standards and guidelines for play equipment transfer points,
44 physical and social aspects of providing access, ramping requirements, and cost
45 impacts of insulation. Mr. Peterson said the group determined that ADAAG is the final
46 adopted guideline that DSA and the state should consider.

47
48 Mr. Peterson noted the task group discussed safety considerations outside of the path
49 of travel and eventually concluded it would be best to focus on the path of travel. There
50 was discussion of forming a joint group with ASTM to look at accessibility issues.

1 Mr. Peterson said the task group looked at suitable surface materials for the path of
2 travel, including engineered wood fibers, rubber mats, wood chips, and other materials.
3 The task group generally concluded the best surface material would be part of a system
4 that provides a firm and stable path of travel and without the need for daily
5 maintenance. The task group specifically did not ban or endorse the use of any
6 particular material.

7
8 Mr. Peterson noted the group requested more information on ten-year life-cycle costs.
9 Play area task group members discussed DSA plan review and inspection processes,
10 whether play areas with certain age-appropriate equipment should be handled
11 differently from others, and the need for schools to develop maintenance schedules.
12 Mr. Peterson said the task group identified current ASTM standards and discussed how
13 the standards should be applied by DSA.

14
15 Mr. Scott asked the staff to provide committee members with copies of all pertinent
16 standards.

17
18 Mr. Peterson said the task group probably needs to meet a couple more times before
19 drafting some recommendations for the UDC.

20 21 Door Opening Force

22 Mr. Chris Lawrence reported that the door opening force task group is charged with
23 making policy recommendations regarding accessibility of exterior doors, including
24 automatic doors. He said the task group agreed to focus on new construction only.
25 There was general consensus that at least one door in every cluster of four should be
26 accessible, and there should be a maximum distance of 30 feet between accessible
27 doors. Mr. Lawrence noted the task group discussed controls and battery back-ups for
28 automatic doors, safety issues with automatic doors, clear floor space, and signage.

29
30 Mr. Scott asked the staff to provide the committee with copies of the standards for
31 power assistors and automatic doors.

32
33 **A motion was made and seconded to request the DSA staff to provide the**
34 **committee with copies of all applicable ANSI standards for play areas and**
35 **automatic doors. The motion was carried unanimously.**

36
37 Mr. Scott said he would provide the staff with the list of the specific technical standards.

38 39 **Action Items**

40 Reconsideration of New Policy

41 Mr. Nudeck asked if all the policy revisions had been posted on the Web site. Mr.
42 Peterson urged the staff to post all documents in the future. Ms. Susan Georgis
43 responded that the documents were not posted on the Internet this time, but they will be
44 in the future.

45
46 Mr. Noble noted the committee was close to voting on IR 04-04, "Travel Distance to
47 Sanitary Facilities" at the last meeting. He said the provisions clarify that all sanitary
48 facilities should be located at "reasonable distances" to accessible areas, and
49 "reasonable" is defined as 200 feet or less beyond the distance nondisabled people
50 have to travel to reach the closest available sanitary facilities.

1 Mr. Skaff asked if the 200-foot distance must be all on one floor or spread over different
2 floors. He suggested "reasonable" should mean on the same floor.

3
4 **Mr. Skaff made a motion, seconded by Mr. Peterson, to consider IR 04-04.**

5
6 Mr. Skaff recommended modifying IR 04-04 to clarify that the 200 feet is limited to the
7 floor on which a remodel or alteration project is being done. Other committee members
8 expressed support for this approach.

9
10 Mr. Michael Mankin said the building code indicates that all routes must be accessible,
11 but there are situations where elevation changes dictate long alternate routes to avoid
12 stairways. He noted there are cases that may warrant special consideration, and he
13 advocating providing some flexibility for that reason.

14
15 Mr. Peterson expressed support for Mr. Skaff's suggestion to require access to sanitary
16 facilities on the same floor, except for cases of unreasonable hardship. Committee
17 members discussed examples of what might constitute an "unreasonable hardship."
18 Mr. Scott mentioned specific buildings offering accessible restrooms on alternating
19 floors. Committee members agreed that the most important focus should be on the
20 restrooms serving the area of the alteration project. Mr. Mankin explained that the
21 proposed policy was intended to prevent the tendency to locate accessible bathrooms
22 too far away from the areas they serve.

23
24 **Mr. Skaff withdrew his previous motion. He then made a new motion, which was**
25 **seconded, to send IR 04-04 back to DSA for further revision. The motion was**
26 **carried unanimously.**

27
28 At 11:47 a.m., the meeting was recessed for lunch. Mr. Scott reconvened the
29 committee at 12:45 p.m.

30
31 Mr. Noble reported on the status of the Motion #12 from the June 14-15 meeting. He
32 said the 4.16 percent gradient was included in Section 1133B.7.1.3 to correct a
33 calculation error in the code. Mr. Skaff pointed out that the provision is still in conflict
34 with ADAAG.

35
36 **Mr. Skaff made a motion, which was seconded, that the committee strongly**
37 **recommend that the section be sent back to DSA for corrections consistent with**
38 **ADAAG.**

39
40 Mr. Mincer commented that a stricter standard will be difficult to meet.

41
42 Mr. Mankin recommended making the change proposed by staff at this time. He
43 pointed out the building code has so many problems that a specific surgical approach
44 like this appears to be the best solution.

45
46 Mr. Skaff clarified that his motion included the mathematical correction and revising the
47 language to incorporate the cross-slope standards from ADAAG. He said he had a
48 problem approving a revision that makes a change without correcting the basic problem.

49
50 Mr. Mincer proposed revising the language to allow some deviation, but perhaps a
51 shorter distance.

1 **Mr. Scott proposed a friendly amendment, that the committee reaffirm its original**
2 **position of recommended that the State Architect correct the entire provision to**
3 **bring it into compliance with federal guidelines. Mr. Skaff accepted the**
4 **amendment.**

5
6 Mr. Scott clarified that the intent was to ask DSA to withdraw that section and correct
7 the entire provision rather than just one part.

8
9 **The motion was carried unanimously.**

10
11 Mr. Noble reported on the status of Motion #42 from the June meeting, "Less than Five
12 Spaces for Accessible Parking Required." He said the staff decided to reject this
13 change pending the release of the new ADAAG, but the draft ADAAG proposes
14 eliminating this exception altogether. He suggested bringing the issue to the attention
15 of the Building Standards Commission's Accessibility Committee in January.

16
17 Mr. Skaff recommended that the committee clearly articulate its position on this issue.

18
19 Mr. Peterson said he believed Motion #42 actually failed at the June meeting. Ms.
20 Georgis clarified that the committee passed a later motion recommending that DSA
21 approve the revision, but look into the issue of ADAAG consistency.

22
23 Mr. Peterson proposed adopting the ADAAG scoping approach that would require
24 unused space to be used for accessible parking.

25
26 Mr. Scott asked the staff to provide copies of the exact ADAAG wording. He suggested
27 coming back to this item later.

28
29 **Mr. Skaff made a motion, seconded by Mr. Lawrence, to draft provisions**
30 **regarding accessible facilities for the area served.**

31
32 Mr. Scott encouraged committee members to send proposed language to Mr. Noble.
33 He said he planned to convey his thoughts, and he recommended that Mr. Skaff do the
34 same.

35
36 **The motion was carried unanimously.**

37
38 Revisions to Existing Policies

39 Mr. Noble reviewed the proposed revisions to Policy 94-05. He said Policy 94-05 deals
40 with accessibility at exit-only doors.

41
42 Mr. Skaff questioned why the provisions still referred to "exit-only doors" when the intent
43 was that exit-only doors would be exceptions for accessibility. He recommended
44 restating the policy as "Accessibility at Exit Doors," and he read the proposed
45 provisions. Committee members suggested inserting "in the direction of egress" in the
46 exit-only door description.

47
48 **A motion was made and seconded to approve the proposed language to Policy**
49 **94-05, with the addition of "in the direction of egress" in the exit-only door**
50 **description.**

1 Committee members proposed inserting “in new construction” at the very beginning, or
2 “in new permanent buildings.” Mr. Scott recommended changing the beginning
3 language to read, “In new construction.” In the exception language, committee
4 members talked about striking “and which are more than 24 inches above grade.”
5

6 Mr. Skaff suggested recommending that the State Architect send the proposed revisions
7 back through the DSA Advisory Board because of the impact on temporary facilities.
8

9 Mr. Skaff said he planned to make a related motion under “New Business.”
10

11 Mr. Scott suggested amending the motion to include “In new construction.” The maker
12 and seconder of the motion accepted this amendment.
13

14 **The motion was carried, all in favor except Mr. Peterson; Mr. Peterson abstaining.**
15

16 Committee members agreed the issue of impact on temporary school facilities should
17 be brought to the DSA Advisory Board’s attention.
18

19 Mr. Noble reviewed the proposed changes to Policy 94-10. He said this section deals
20 with resurfacing, repairing, and alteration of parking lots.
21

22 After “building standards in effect at the time construction begins shall be applicable,”
23 Mr. Scott proposed the following addition: “for resurfacing, repair, or alteration of
24 parking lots.”
25

26 **A motion was made and seconded to recommend approval of the proposed**
27 **revisions to Policy 94-10.**
28

29 Committee members discussed the kinds of resurfacing, restriping, repair, and
30 alteration projects that would be subject to this provision.
31

32 Mr. Nudeck suggested changing the word “repairing” to “restriping” throughout.
33 Committee members agreed that this change would address their concerns. The maker
34 and seconder of the motion accepted these amendments.
35

36 **The motion was carried unanimously.**
37

38 Mr. Noble directed attention to the proposed revisions to Policy 94-22.
39

40 Mr. Skaff pointed out the concept of “primary entrance” was not being used, and Mr.
41 Noble explained DSA’s rationale for the change.
42

43 **A motion was made and seconded to approve Policy 94-22 as revised.**
44

45 Mr. Scott pointed out the wording indicates, “additional insurance may be necessary for
46 full coverage of all required work,” but such insurance might not be available. Mr. Noble
47 explained that the intent was to suggest types of additional insurance that provide code
48 updates. Mr. Scott suggested saying, “Additional insurance or supplemental project
49 funding may be necessary to complete the work.”
50

1 Mr. Peterson said he did not agree that any structural repair should ever trigger access
2 compliance. He advocated some kind of cap or threshold for requiring full compliance
3 upgrades.

4
5 Mr. Scott noted there has been a legal finding that seismic improvements trigger
6 accessibility compliance. He said the language makes clear that repairing fire damage
7 would entail providing accessible paths of travel.

8
9 The committee discussed the kinds of upgrades that should be required. Some
10 committee members expressed the opinion that insurance for code updates should
11 cover accessibility compliance.

12
13 After some discussion, committee members decided to change the wording in Policy
14 94-22 to simply say, "additional project funding may be necessary to complete the
15 work."

16
17 Mr. Noble noted the code cites "technical infeasibility" as the chief exception under
18 alterations, but that term is not defined. Mr. Lawrence suggested making reference to a
19 percentage cap. Committee members discussed that option and decided not to refer to
20 a 20 percent cap in this policy.

21
22 **The motion was carried, 7 - 3 (Mr. Peterson, Mr. Nicol, and Mr. * opposed).**

23
24 Ms. Linda Huber read the proposed new language: "Also, school district officials
25 should be aware that insurance policies generally cover only the fire-damage areas and
26 additional project funding may be necessary to complete all required work."

27
28 Mr. Noble drew attention to Policy 95-01, "Alteration Projects - \$25,000 and Under."

29
30 **Mr. Peterson made a motion, seconded by Mr. Nicol, to approve the revisions as**
31 **proposed.**

32
33 Mr. Peterson suggested a more active outreach effort for projects that require DSA
34 review. He noted districts need to know which alterations will trigger access
35 compliance.

36
37 Committee members expressed concern about requiring access compliance as part of a
38 structural alteration project.

39
40 Mr. Scott rewording the policy in an active voice, saying, "DSA plan review is required
41 for alterations with an estimate cost of \$25,000 or greater." Committee members
42 agreed.

43
44 Mr. Nudeck pointed out that the references to the Department of General Services
45 (DGS) should be changed to Division of the State Architect (DSA) if possible. Mr. Noble
46 explained that DGS is the actual contracting authority. The committee discussed DSA's
47 plan review involvement. Mr. Noble suggested adding a provision pointing out that
48 submission of plans to DSA was voluntary for projects under \$25,000.

49
50 The maker and seconder of the motion accepted the amendments proposed by the
51 committee.

1 Mr. Scott observed that a quorum was no longer present, so the committee could take
2 no further action. He suggested moving on to discuss "New Business."

3 4 **New Business**

5 Mr. Skaff requested that the committee review the Caltrans detectable warning
6 language and compare it with the code language. Mr. Noble stated that the staff
7 already reviewed and approved Caltrans' drawings. He noted the drawings were
8 revised to incorporate the latest size, distance, and pattern standards.

9
10 Mr. Scott said he favored appointing representatives on the UDC to represent specific
11 organizations and constituencies.

12
13 Mr. Scott noted that in preparation for the 2005 code change cycle, committee members
14 should bring ideas for possible revisions to the January meeting. He said the changes
15 can be put into proper regulatory language by the staff and then brought back at the
16 UDC's spring meeting. Once the committee completes its review and approval process,
17 the recommended changes can be sent on to the DSA Advisory Board to be considered
18 as part of DSA's annual submission to the Building Standards Commission.

19
20 Mr. Scott asked the task group chairs to try to compile a draft of provisions agreed upon
21 by the task groups so far.

22
23 For the next meeting, Mr. Scott suggested looking at the issue of how modular units are
24 used as interim housing for students to avoid accessibility compliance and DSA review.
25 Committee members agreed DSA should address this in policy.

26
27 Committee members noted that DSA implemented a fast track approval process for
28 portable units several years ago, but in reality, the process usually takes at least six
29 months. Mr. Scott suggested raising the issue of a fast track program for portables at
30 the next DSA Advisory Board meeting.

31
32 Mr. Noble said DSA already provides some over-the-counter review services.

33
34 Mr. Scott noted it would be helpful to develop a permit checklist to speed the review
35 process for portable units.

36 37 **Public Comments**

38 Mr. Nudeck suggested posting the committee's policy revisions on DSA's Web page.
39 He noted it would be helpful to provide the name, telephone number, and cell phone
40 number of a staff person to contact with questions about meeting arrangements.

41
42 Ms. Georgis said the meeting agenda includes more detailed contact information.

43
44 Mr. Scott suggested developing a bottom-line header with staff contact numbers for
45 every page.

46 47 **Schedule Next Meeting**

48 Committee members agreed to hold the next UDC meeting on January 10 or 11, 2005.

49 50 **Adjournment**

51 There being no further business, the meeting of the Universal Design Committee was
52 adjourned at 3:30 p.m.